

**United States Bankruptcy Court
Eastern District of North Carolina
Raleigh Division**

In re: Margaret W. Reaves

Debtor.

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**Bankruptcy Case No.
18-03759-5-DMW
Chapter 13**

Objection to Claim of Seterus, Inc.

To the Honorable United States Bankruptcy Judge Presiding:

Debtor, by and through her undersigned attorney, hereby objects to the claim filed by Seterus, Inc., as authorized servicer for Federal National Mortgage Association (“Fannie Mae”) (Claim No.4-1) in her Chapter 13 bankruptcy case captioned above, pursuant to 11 U.S.C. § 502, stating the following:

1. Debtor filed a voluntary petition pursuant to the provisions of Chapter 13 on July 27, 2018.

2. Fannie Mae filed a proof of claim in Debtor’s bankruptcy case on October 5, 2018. The claim is in the amount of \$68,706.74 and was designated as Claim No. 4-1 by the Court.

3. Said claim is for a Mortgage Note and Deed of Trust provided to Debtor of the property located at 2309 Win Road, Garner, NC 27529 (the “Property”).

4. In Claim 4-1, Fannie Mae alleges that there is an arrearage of \$22,758.93.

5. The Property has been the subject of several foreclosure proceedings. The last of which resulted in an Order entered by Wake County Superior Court Judge Reuben F. Young on April 25, 2017. In the Order, Judge Reuben made a finding of fact that “Fannie Mae . . . failed to present sufficient evidence to establish that the Debtor [Margaret W. Reaves] was in default as of December 1, 2014.”

6. Debtor has proof of payments paid to the order of Seterus, Inc., and deposited by Seterus, Inc. for the period from January 2015 through December 2016.

7. Seterus, Inc. returned all of Debtor’s cashier’s checks for the period of January 2017 through July 2018. Therefore, Debtor’s account has not been credited for 19 mortgage payments during that period.

8. Debtor's position is that the true balance of the arrearage is *at most* \$9,203.98 and that the claim amount of \$68,706.47 should be recalculated to account for Debtors accepted payments through December 2016.

WHEREFORE, Debtor respectfully prays as follows:

1. That the claim of Seterus, Inc. described above be denied as to the amount of the claim and the amount of the arrearage.

2. That the amount of the claim and the amount of the arrearage should be recalculated to reflect payments made by the Debtor through 2016.

3. That the costs of this objection, including Debtor's reasonable attorney's fees, be taxed to the Claimant;

4. For such other and further relief as the Court deems appropriate.

This the 15th day of November 2018.

/s/ Heyward G. Wall
Heyward G. Wall
Attorney for Debtor
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Notice of Objection of Claim

To: All Parties in Interest

Notice is hereby given of the Objection to Claim file simultaneously herewith by the Debtor in the above-captioned case; and

Further notice is hereby given that if you fail to respond to otherwise plead or request a hearing in writing within thirty (30) days from the date of this notice, the relief requested in the Objection may be granted without further hearing or notice; and

Further notice is hereby given that if a response and a request for a hearing is filed in writing by a creditor or other party in interest within the time indicated, a hearing will be conducted on the Objection and response thereto at a date, time, and place to be later set by the Court and all interested parties will be notified accordingly.

Date of Notice: November 15, 2018

/s/ Heyward G. Wall

Heyward G. Wall
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NC State Bar No. 25735
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Certificate of Service

I, Heyward G. Wall, attorney for Debtor, hereby certify that I have served a copy of the preceding Objection and Notice either electronically or by depositing the same in a postpaid, properly addressed envelope with the United States Postal Service addressed as follows:

John F. Logan, Trustee
Served Electronically

Shapiro & Ingle, L.L.P. (via certified mail and electronic service)
Attorneys/Agent for Federal National Mortgage Association ("Fannie Mae"), creditor c/o
Seterus, Inc.
101 Perimeter Parkway, Suite 400
Charlotte, NC 28216

Margaret W. Reaves
604 Sardis Road
Raleigh, NC 27603

This the 15th day of November 2018.

/s/ Heyward G. Wall
Heyward G. Wall
Attorney for Debtor